IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 3386 of 2006(O&M)
Date of Decision: 28.11.2006

State of Punjab & Ors. ...Petitioners

Vs.

Gian Chand ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.H.S.Gill, Deputy Advocate General, Punjab,
for the petitioners.

Vinod K.Sharma, J. (Oral)

Present revision petition arises out of an order passed by the learned Additional District Judge, Ropar vide which the application filed by the petitioner- State under Section 5 of the Limitation Act for condoning the delay in filing the appeal has been dismissed.

Learned counsel for the petitioners vehemently contended that the learned lower Appellate Court failed to notice that the delay in filing the appeal had occurred due to the unsoundness of mind of

Smt.Malti Batra who had kept the file with her and did not hand over the same. This contention of the learned counsel for the petitioner cannot be accepted as the Learned lower Appellate Court has come to a positive conclusion that the petitioners have not placed anything on record to show that the file was ever demanded from Smt. Malti Batra. Even otherwise, the learned lower Appellate Court had given a positive finding that even after the transfer of Malti Batra the appeal was filed after 8/9 months without giving any explanation for this delay. The Court also took note of the fact that as a matter of fact the State deposited the decretal amount in execution application in the month of June whereas the present appeal was filed some time in the month of December i.e. after 6 months of the deposit of the decretal amount. In view of the evidence led by the parties, learned Appellate Court came to the conclusion that no sufficient cause was shown for condonation of delay and accordingly rejected the application moved by the petitioner.

There is no illegality in the impugned order passed by the learned lower Appellate Court which may call for interference by this court in revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

28.11.2006
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